

Message Text

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TO SECSTATE WASHDC PRIORITY 2623
ALL USCONS MEXICO POUCH

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FOR ARA ONLY

E. O. 11652: N/A
TAGS: SHUM, MX
SUBJECT: 1978 UNCLASSIFIED HUMAN RIGHTS REPORT ON MEXICO
REF: STATE 215083

1. SETTING: SINCE THE CLOSE OF THE 1910 REVOLUTION, MEXICO HAS EXPERIENCED RAPID ECONOMIC AND SOCIAL DEVELOPMENT WITH POLITICAL STABILITY, THOUGH THE HIGH RATE OF ECONOMIC GROWTH HAS SLOWED SINCE 1975. THE DOMINANT REVOLUTIONARY INSTITUTIONAL PARTY (PRI) IS A CHANNEL FOR CONSIDERABLE POLITICAL PARTICIPATION AND DEBATE. A NEW POLITICAL REFORM PROGRAM HAS INCREASED THE NUMBER OF OPPOSITION POLITICAL PARTIES, AND WILL PROVIDE THEM REPRESENTATION IN THE CONGRESS BUT IS NOT EXPECTED THAT THE REFORMS FOR THE FORESEEABLE FUTURE WILL WEAKEN THE DOMINANT ROLE OF THE PRI IN THE POLITICAL SYSTEM.

2. THE CONSTITUTION, LAWS AND MUCH OF THE POLITICAL DISCOURSE CONSISTENTLY AFFIRM OR REFLECT SOCIAL JUSTICE AND EQUALITY AS BASIC IDEALS OF THE REVOLUTION. INDIVIDUAL RIGHTS ARE GENERALLY RESPECTED IN PRACTICE. HUMAN RIGHTS VIOLATIONS HAVE OCCURRED AS NOTED BELOW, BUT ARE NOT CONDONED BY THE GOVERNMENT OF MEXICO AS
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PUBLIC POLICY AND PRESIDENT, JOSE LOPEZ PORTILLO, HAS ATTEMPTED TO REDUCE SUCH VIOLATIONS. MEXICO HAS A GOOD HUMAN RIGHTS RECORD IN INTERNATIONAL AFFAIRS, HAVING TRADITIONALLY SUPPORTED THE PERSECUTED OF OTHER COUNTRIES AND PARTICIPATED ACTIVELY IN MULTILATERAL APPROACHES TO HUMAN RIGHTS PROBLEMS.

3. RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM:

- A. TORTURE

GOVERNMENT POLICY CONDEMNS THE USE OF TORTURE. HOWEVER, CASES OF PSYCHOLOGICAL AND PHYSICAL POLICE ABUSE ARE REPORTED IN THE PRESS BY OPPOSITION PARTIES. SUCH ABUSES REPORTEDLY OCCUR IN THE PERIOD IMMEDIATELY FOLLOWING ARREST, ESPECIALLY DURING INTERROGATION. PRESS REPORTS SUGGEST THAT SUSPECTED TERRORISTS ARE MORE LIKELY TO BE SUBJECTED TO SEVERE FORMS OF INTERROGATION, INCLUDING ABUSE, THAN OTHER LAW BREAKERS.

- B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. CONDITIONS IN MANY MEXICAN JAILS ARE POOR DUE TO OVERCROWDING, PRIMITIVE SANITARY CONDITIONS AND INADEQUATE DIET. THE UNITED STATES HAS NEGOTIATED WITH MEXICO A PRISONER TRANSFER TREATY WHICH PROVIDED FOR THE REPATRIATION OF PRISONERS BEGINNING DECEMBER 9, 1977. BY AUGUST 1978, 329 AMERICANS, MOST OF WHOM HAD BEEN CONVICTED ON DRUG CHARGES, AND 109 MEXICANS HAD BEEN TRANSFERRED TO THEIR OWN COUNTRY. DURING THE PERIOD JANUARY 15-MAY 15, 1978 THE EMBASSY RECEIVED 32 ALLEGATIONS OF MISTREATMENT AT THE TIME OF ARREST BY ARRESTED AMERICAN CITIZENS, OF WHICH EIGHT WERE SUBSTANTIATED BY CONSULAR LIMITED OFFICIAL USE

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OFFICERS. THIS REPRESENTS A SLIGHT DECLINE OVER THE SAME PERIOD A YEAR AGO.

- C. ARBITRARY ARREST OR IMPRISONMENT. MEXICAN CITIZENS ARE GUARANTEED THE RIGHT OF AMPARO, A CONSTITUTIONAL PROTECTION PROVIDED AGAINST "COERCIVE AND ABUSIVE ACTS OF AUTHORITY." ARBITRARY ARRESTS, DETENTIONS, AND DISAPPEARANCE OF SUSPECTED POLITICAL SUBVERSIVES HAVE BEEN CHARGED BY HUMAN RIGHTS GROUPS, OPPOSITION POLITICAL PARTIES AND BY THE PRESS. FOR EXAMPLE, THE DEFENSE COMMITTEE FOR POLITICAL PRISONERS, DISAPPEARED PERSONS, AND EXILES HAS ASSERTED PUBLICLY THAT OVER 360 PEOPLE HAVE DISAPPEARED AT THE HANDS OF SECURITY FORCES IN RECENT YEARS AND/OR HAVE BEEN DETAINED AT VARIOUS MILITARY INSTALLATIONS. THE MEXICAN GOVERNMENT HAS CONSISTENTLY DENIED REPORTS THAT IT HOLDS POLITICAL PRISONERS. HOWEVER, IN HIS SEPTEMBER 1978 STATE OF THE NATION ADDRESS THE PRESIDENT IN ANNOUNCING THAT HE INTENDED TO SEND AN AMNESTY BILL TO CONGRESS, SAID "IT IS WELL WORTH WHILE TO OPEN NEW, FREE OPPORTUNITIES TO THOSE WHO, UNDER THE INFLUENCE OF SOME POLITICAL MOTIVATION, HAVE BEEN IMPRISONED OR BECOME FUGITIVES BECAUSE THEY COMMITTED OFFENSES OR HAVE

FORMED PART OF DISSIDENT EXTREMIST GROUPS, BUT WHO HAVE
NOT TAKEN PART IN CRIMES THAT ENDANGER THE LIFE OF OR
THREATEN BODILY HARM TO OTHERS." THE PRESIDENT'S INITIA-

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TIVE HAS BEEN WELL RECEIVED BY A WIDE RANGE OF THE MEXICAN
PUBLIC INCLUDING OPPOSITION ELEMENTS.

- D. DENIAL OF FAIR PUBLIC TRIAL.
FAIR PUBLIC TRIALS ARE THE NORM. HOWEVER, THE MEXICAN
SYSTEM OF NAPOLEONIC LAW DOES NOT PROVIDE THE SAME GUARAN-
TEES TO PROTECT THE RIGHTS OF PRISONERS DURING PREARRAIGN-
MENT INTERROGATIONS AS IS THE CASE IN THE UNITED STATES.
IN ADDITION, QUALIFIED LEGAL COUNSEL IS EXPENSIVE AND
SOMETIMES UNOBTAINABLE FOR CRIMINAL CASES. PRESS REPORTS
INDICATE THAT SUSPECTED TERRORISTS HAVE OCCASIONALLY BEEN
KILLED INSTEAD OF BEING BROUGHT TO TRIAL, AND THERE ARE
OCCASIONAL REPORTS IN THE PRESS OF SUSPICIOUS
DISAPPEARANCES.

- E. INVASION OF THE HOME. -
IT IS BELIEVED BY MANY THAT MEXICAN POLICE AND SECURITY
FORCES ON OCCASION HAVE INVADDED THE HOMES OR
BUSINESS PLACES OF SUSPECTS WITHOUT APPROPRIATE JUDICIAL
ORDERS.

4. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT
OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND
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EDUCATION.

- A. IN HIS SEPTEMBER 1978 STATE OF THE NATION ADDRESS, PRESIDENT LOPEZ PORTILLO CALLED ON MEXICANS TO CONFRONT THE BASIC CONCERN OF THE NATION--THE SOCIAL PROBLEM. HE ACKNOWLEDGED THAT THE POOR HAVE NOT YET BENEFITTED FROM HIS ADMINISTRATION'S POLICIES, AND PLEDGED HIMSELF TO CREATING A DEVELOPMENT MODEL THAT WOULD HELP ALL MEXICANS. HE OUTLINED PLANS TO INCREASE AGRICULTUREAL PRODUCTIVITY, AND TO REDISTRIBUTE LARGE LANDHOLDINGS WHERE APPROPRIATE. HE ALSO MENTIONED PLANS TO INCREASE JOB TRAINING AND STRENGTHEN PURCHASING POWER OF WAGES THROUGH THE FORMATION OF COOPERATIVES AND UNION STORES. PRESIDENT LOPEZ PORTILLO HAS MADE A REDUCTION OF POPULATION GROWTH TO 2.5 BY 1982 A GOAL OF HIS ADMINISTRATION. THIS CAMPAIGN WILL COINCIDE WITH A PROGRAM OF PREVENTIVE MEDICINE AND FAMILY NUTRITION, WHICH WILL PROVIDE FOOD SUPPLEMENTS TO THE POOREST GROUPS. THE EDUCATIONAL POLICY OF THE COUNTRY IS

DIRECTED TOWARDS PROVIDING A BASIC PRIMARY EDUCATION TO ALL YOUTH, WHILE DIRECTING HIGHER EDUCATION TOWARDS THE DEVELOPMENT NEEDS OF THE COUNTRY.

- B. ALTHOUGH SPECIFIC CASES AND MAGNITUDES ARE DIFFICULT TO DOCUMENT, THE BELIEF IS WIDESPREAD THAT CORRUPTION IN MEXICO DIVERTS SIGNIFICANT RESOURCES FROM THE POOR. THE LOPEZ PORTILLO ADMINISTRATION IS PROSECUTING FOUR CASES OF HIGH LEVEL GOVERNMENT CORRUPTION AS WELL AS NUMEROUS LOWER LEVEL CASES AND THE PRESIDENT HAS SPOKEN OPENLY OF THE NEED TO COMBAT CORRUPTION AS A SERIOUS SOCIAL PROBLEM.

5. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:
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- A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY. FREEDOM OF SPEECH AND FREEDOM OF THE PRESS ARE RESPECTED IN MEXICO. LIMITED ONLY BY A MEDIA TRADITION OF AVOIDING DIRECT CRITICISM OF AN INCUMBENT PRESIDENT, MEXICANS OPENLY COMPLAIN ABOUT THE GOVERNMENT. THE MEXICAN GOVERNMENT SCREENS MOVIES TO PROTECT THE MORALS OF THE MEXICAN SOCIETY. IN SEPTEMBER 1978 THE PRESIDENT ANNOUNCED HIS INTENTION TO SEND A BILL TO CONGRESS THAT WOULD FURTHER GUARANTEE THE OPPOSITION PARTIES ACCESS TO THE MEDIA AND

EXPAND THE PUBLIC'S RIGHT TO GOVERNMENT INFORMATION. A WIDE RANGE OF IDEAS IS FOUND IN THE MEDIA AND INTELLECTUAL CIRCLES. THERE ARE NO RESTRICTIONS ON THE PRACTICE OF RELIGION. HOWEVER, THERE ARE RESTRICTIONS ON CHURCH OWNERSHIP OF PROPERTY AND POLITICAL PARTICIPATION BY THE CLERGY IS PROHIBITED BY THE CONSTITUTION. THERE ARE FEW RESTRICTIONS ON FREEDOM OF ASSEMBLY. FOR EXAMPLE, DEMONSTRATIONS AND MARCHES REQUIRE PERMITS, WHICH NORMALLY ARE GRANTED. IN HIS STATE OF THE NATION ADDRESS, THE PRESIDENT NOTED THAT 2,000 PEACEFUL DEMONSTRATIONS HAD BEEN HELD THROUGHOUT THE COUNTRY FROM DECEMBER 1976 TO AUGUST 1978.

- B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION..
MEXICAN CITIZENS MAY TRAVEL ANYWHERE AND EMIGRATE FREELY.

- C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS.
A NOTABLE FEATURE OF THE ELECTORAL PROCESS IS THAT THE MEXICAN POLITICAL SYSTEM IS DOMINATED BY ONE PARTY. WITHIN THE RULING POLITICAL PARTY AND THE GOVERNMENT, HOWEVER, THERE IS GIVE AND TAKE, WIDE IDEOLOGICAL VARIATION, AND SERIOUS CONCERN FOR THE ECONOMIC AND SOCIAL NEEDS OF THE COUNTRY. RECENT POLITICAL LEGISLATION HAS RESULTED IN THE REGISTRATION OF THREE ADDITIONAL POLITICAL

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PARTIES AND THE EXPANSION OF THE CHAMBER OF DEPUTIES TO INCLUDE THEM. INDIVIDUAL CITIZENS ARE FREE TO JOIN THE PRI OR THE MINORITY PARTIES AND TO PARTICIPATE IN THEIR ACTIVITIES.

6. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS

OF HUMAN RIGHTS.

MEXICO HAS A GOOD INTERNATIONAL HUMAN RIGHTS RECORD, AND HAS TRADITIONALLY WELCOMED THE PERSECUTED OF OTHER COUNTRIES AND SUPPORTED MULTILATERAL APPROACHES TO HUMAN RIGHTS PROBLEMS. MEXICO HAS BEEN GENERALLY COOPERATIVE WITH INTERNATIONAL HUMAN RIGHTS GROUPS. MEXICO'S FOREIGN SECRETARY SUPPORTED THE GENERAL THRUST OF THE HUMAN RIGHTS INITIATIVES AT THE 1978 OAS GENERAL ASSEMBLY, AND INTERPRETED THEM TO COVER THE RIGHTS OF MIGRATORY WORKERS, (INCLUDING UNDOCUMENTED MEXICAN WORKERS IN THE U. S.), WHICH IS OF PARTICULAR CONCERN TO MEXICO. THE MEXICAN GOVERNMENT HAS THUS FAR NOT ADHERED TO THE INTER-AMERICAN CONVENTION ON HUMAN RIGHTS.

7. THE AMNESTY INTERNATIONAL REPORT 1977 DISCUSSED HUMAN RIGHTS VIOLATIONS IN MEXICO AT SOME LENGTH. DURING HIS JANUARY 1978 VISIT TO MEXICO THE SECRETARY GENERAL OF AMNESTY MAINTAINED THE ORGANIZATION'S POSITION THAT THERE LIMITED OFFICIAL USE

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EXIST APPROXIMATELY 200 POLITICAL PRISONERS IN MEXICO. THE MEXICAN GOVERNMENT HAS PRESENTED EVIDENCE THAT THE PRISONERS IN QUESTION ARE CHARGED WITH OR CONVICTED OF COMMON CRIMES. THE 1977 REPORT STATED THAT SOME OF THE RECOMMENDATIONS MADE BY AMNESTY IN 1976 HAD BEEN IMPLEMENTED BY THE MEXICAN AUTHORITIES (E.G., THE RELEASE OF PRISONERS DETAINED FOR LONG PERIODS WITHOUT TRIAL), BUT THAT OTHER PROBLEMS, SUCH AS USE OF TORTURE BY FEDERAL AND STATE PERSONNEL TO EXTRACT CONFESSIONS, STILL CAUSE CONCERN. FREEDOM HOUSE RANKS MEXICO AS BEING PARTLY FREE. (DEPARTMENT MAY WISH TO REVISE THIS PARAGRAPH BY REFERRING (DRAFTED BY R. PERRY). LUCEY

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